

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

House Engrossed
FILED
KEN BENNETT
SECRETARY OF STATE

CHAPTER 78

HOUSE BILL 2411

AN ACT

AMENDING SECTION 13-3212, ARIZONA REVISED STATUTES; RELATING TO CHILD
PROSTITUTION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 13-3212, Arizona Revised Statutes, is amended to
3 read:

4 13-3212. Child prostitution; classification; increased
5 punishment

6 A. A person commits child prostitution by knowingly:

- 7 1. Causing any minor to engage in prostitution.
- 8 2. Using any minor for the purposes of prostitution.
- 9 3. Permitting a minor who is under the person's custody or control to
10 engage in prostitution.
- 11 4. Receiving any benefit for or on account of procuring or placing a
12 minor in any place or in the charge or custody of any person for the purpose
13 of prostitution.
- 14 5. Receiving any benefit pursuant to an agreement to participate in
15 the proceeds of prostitution of a minor.
- 16 6. Financing, managing, supervising, controlling or owning, either
17 alone or in association with others, prostitution activity involving a minor.
- 18 7. Transporting or financing the transportation of any minor with the
19 intent that the minor engage in prostitution.

20 B. A person who is at least eighteen years of age commits child
21 prostitution by knowingly:

- 22 1. Engaging in prostitution with a minor WHO IS under fifteen years of
23 age.
- 24 2. Engaging in prostitution with a minor who the person knows is
25 fifteen, sixteen or seventeen years of age.
- 26 3. Engaging in prostitution with a minor who is fifteen, sixteen, or
27 seventeen years of age.

28 C. It is not a defense to a prosecution under subsection A and
29 subsection B, paragraphs 1 and 2 of this section that the other person is a
30 peace officer posing as a minor or a person assisting a peace officer posing
31 as a minor.

32 D. NOTWITHSTANDING ANY OTHER LAW, A SENTENCE IMPOSED ON A PERSON FOR A
33 VIOLATION OF SUBSECTION A OR SUBSECTION B, PARAGRAPH 2 OF THIS SECTION
34 INVOLVING A MINOR WHO IS FIFTEEN, SIXTEEN OR SEVENTEEN YEARS OF AGE SHALL BE
35 CONSECUTIVE TO ANY OTHER SENTENCE IMPOSED ON THE PERSON AT ANY TIME.

36 ~~D.~~ E. Child prostitution pursuant to subsection A of this section is
37 a class 2 felony if the minor is under fifteen years of age and is punishable
38 pursuant to section 13-705.

39 ~~E.~~ F. Child prostitution pursuant to subsection B, paragraph 1 of
40 this section is a class 2 felony and is punishable pursuant to section
41 13-705.

42 ~~F.~~ G. If the minor is fifteen, sixteen or seventeen years of age,
43 child prostitution pursuant to subsection A and subsection B, paragraph 2 of
44 this section is a class 2 felony, the person convicted shall be sentenced
45 pursuant to this section and the person is not eligible for suspension of

1 sentence, probation, pardon or release from confinement on any basis except
2 as specifically authorized by section 31-233, subsection A or B until the
3 sentence imposed by the court has been served or commuted. The presumptive
4 term may be aggravated or mitigated within the range under this section
5 pursuant to section 13-701, subsections C, D and E. The terms are as follows:

6 1. The term for a first offense is as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
7 7 years	10.5 years	21 years

9 2. The term for a defendant who has one historical prior felony
10 conviction for a violation of this section is as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
12 14 years	15.75 years	28 years

13 3. The term for a defendant who has two or more historical prior
14 felony convictions for a violation of this section is as follows:

<u>Minimum</u>	<u>Presumptive</u>	<u>Maximum</u>
16 21 years	28 years	35 years

17 ~~G.~~ H. Child prostitution pursuant to subsection B, paragraph 3 of
18 this section is a class 6 felony. If the court sentences the person to a
19 term of probation, the court shall order that as an initial term of probation
20 the person be imprisoned in the county jail for not less than one hundred
21 eighty consecutive days. This jail term shall commence on the date of
22 sentencing. The court may suspend ninety days of the jail sentence if the
23 person has not previously been convicted of a violation of this section, a
24 violation of section 13-3214 or a violation of any city or town ordinance
25 that prohibits prostitution and that has the same or substantially similar
26 elements as section 13-3214 and the person successfully completes an
27 appropriate court ordered education or treatment program.

28 H. I. Nothing in this section precludes the state from alleging and
29 proving any other sentencing enhancements as provided by law.

APPROVED BY THE GOVERNOR APRIL 12, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 13, 2011.

Failed
~~Passed~~ the House February 28, 2011

by the following vote: 29 Ayes,

29 Nays, 2 Not Voting

Speaker of the House
Pro Tempore

Cheryl Laube
Chief Clerk of the House

Passed the Senate _____, 20____

by the following vote: _____ Ayes,

_____ Nays, _____ Not Voting

President of the Senate

Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill received by the Governor this

_____ day of _____, 20____

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

at _____ o'clock _____ M.

Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill received by the Secretary of State

this _____ day of _____, 20____

at _____ o'clock _____ M.

Secretary of State

H.B. 2411

On Reconsideration
Passed the House March 3, 20 11

by the following vote: 44 Ayes,

14 Nays, 2 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate April 6, 20 11

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

[Signature]
President of the Senate

Charmian Bullington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

7 day of April, 20 11

at 10:55 o'clock A. M.

[Signature]
Secretary to the Governor

Approved this 12th day of

April

at 3:25 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 13th day of April, 20 11

at 10:58 o'clock a M.

[Signature]
Secretary of State

ON RECONSIDERATION
H.B. 2411